

PATENT
Docket No. 0026-0002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of)
)
Sergey BRIN) **ATTN: APPEAL BRIEF - PATENTS**
)
Application No.: 09/843,923) Group Art Unit: 2142
)
Filed: April 30, 2001) Examiner: B. Ailes
)
For: SYSTEMS AND METHODS FOR)
 ENTICING USERS TO ACCESS A)
 WEB SITE)

U.S. Patent and Trademark Office
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APPEAL BRIEF

This Appeal Brief is submitted in response to the non-final Office Action, dated February 7, 2007, and in support of the Notice of Appeal, filed May 8, 2007.

I. **REAL PARTY IN INTEREST**

The real party in interest in this appeal is Google Inc.

II. **RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS**

Appellant is unaware of any related appeals, interferences, or judicial proceedings.

III. STATUS OF CLAIMS

Claims 18-41 are pending in this application.

Claims 18, 19, 21-29, and 31-41 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Wolff (U.S. Patent No. 6,247,047) in view of Yahoo (www.archive.org/web/19961223150621/http://www8.Yahoo.com, dated December 23, 1996).

Claims 20 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Wolff in view of Yahoo and what was allegedly "well known at the time of the applicant's invention."

Claims 1-17 were previously canceled without prejudice or disclaimer.

Claims 18-41 are the subject of the present appeal. These claims are reproduced in the Claim Appendix of this Appeal Brief.

IV. STATUS OF AMENDMENTS

No claim amendments were filed subsequent to the non-final Office Action, dated February 7, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In the paragraphs that follow, a concise explanation of the independent claims and the claims reciting means-plus-function or step-plus-function language that are involved in this appeal will be provided by referring, in parenthesis, to examples of where support can be found in the specification and drawings.

Claim 18 recites a method for enticing users to access a web page (Fig. 10). The method

comprises modifying a standard company logo for a special event to create a special event logo (Fig. 10, 1010; page 11, line 19 - page 12, line 5; page 13, lines 9-20); associating one or more search terms with the special event logo (Fig. 10, 1020; page 12, lines 9-14; page 14, lines 1-5), the one or more search terms relating to the special event (page 12, lines 9-14); uploading the special event logo to the web page (Fig. 10, 1030; page 14, lines 6-10); receiving a user selection of the special event logo (Fig. 10, 1040; page 14, lines 11-13); and invoking a search relating to the special event based on the one or more search terms in response to the user selection (Fig. 10, 1050; page 14, lines 13-15).

Claim 20 recites creating the special event logo by modifying the standard company logo with at least one of video or audio data (page 11, line 20 - page 12, line 5).

Claim 22 recites associating one or more search terms relating to the special event (page 12, lines 9-14; page 14, lines 1-5); and wherein invoking a search includes performing the search based on the one or more search terms (page 14, lines 11-15).

Claim 26 recites a computer-readable medium (Fig. 2, 230-250) that stores instructions executable by one or more processors (Fig. 2, 220) to perform a method for attracting users to a web page (Fig. 10; page 15, lines 1-2). The computer-readable medium comprises instructions for creating a special event logo by modifying a standard company logo for a special event (Fig. 10, 1010; page 11, line 19 - page 12, line 5; page 13, lines 9-20); instructions for associating a link or search results with the special event logo (Fig. 10, 1020; page 12, lines 9-14; page 14, lines 1-5), the link identifying a document relating to the special event (page 12, lines 9-14), the search results relating to the special event (page 12, lines 9-14); instructions for uploading the special event logo to the web page (Fig. 10, 1030; page 14, lines 6-10); instructions for receiving

a user selection of the special event logo (Fig. 10, 1040; page 14, lines 11-13); and instructions for providing the document relating to the special event or the search results relating to the special event based on the user selection (Fig. 10, 1050; page 12, lines 15-18; page 14, lines 13-19).

Claim 27 recites a server (Fig. 1, 120) connected to a network (Fig. 1, 130). The server comprises a memory (Fig. 2, 230-250) configured to store instructions (page 7, lines 13-18); and a processor (Fig. 2, 220) configured to execute the instructions (page 7, lines 12-18) to determine a home page for a web page on the network (page 13, lines 17-18), identify a standard company logo on the home page (page 13, lines 18-19), modify the standard company logo with special event information corresponding to a special event to create a special event logo (page 11, line 19 - page 12, line 8; page 13, lines 19-20), and replace the standard company logo with the special event logo during the special event (page 12, lines 6-8; page 14, lines 6-10).

Claim 28 recites a method comprising identifying a standard company logo associated with a web site (page 13, lines 17-19); modifying the standard company logo with at least one of image, video, or audio data relating to a special event to create a special event logo (page 12, lines 1-5; page 13, lines 9-12; page 13, lines 19-20); associating one or more search terms relating to the special event with the special event logo (page 12, lines 9-14; page 14, lines 1-5); detecting a selection associated with the special event logo (page 14, lines 11-13); and invoking a search relating to the special event based on the one or more search terms in response to the detected selection (page 14, lines 13-15).

Claim 29 recites that the instructions for creating a special event logo include instructions for modifying the standard company logo with one or more animated images (page 8, lines 7-11;

page 13, lines 9-16).

Claim 30 recites that the instructions for creating a special event logo include instructions for modifying the standard company logo with at least one of video or audio data (page 8, lines 7-11; page 11, line 20 - page 12, line 5).

Claim 31 recites that the instructions for creating a special event logo include instructions for modifying the standard company logo with information associated with a holiday (page 8, lines 7-11; page 12, lines 6-8; page 12, line 19 - page 13, line 5).

Claim 32 recites that the processor is further configured to associate one or more search terms relating to the special event with the special event logo (page 12, lines 9-14; page 14, lines 1-5).

Claim 35 recites that the instructions for uploading the special event logo include instructions for replacing the standard company logo with the special event logo on the web page (Figure 9; page 14, lines 6-10).

Claim 37 recites a method may include presenting a special event logo on a web page (page 14, lines 6-10), the special event logo being associated with a standard company logo that has been modified or replaced for a special event (page 12, lines 1-5; page 13, lines 9-12); receiving selection of the special event logo (page 14, lines 11-13); invoking a search for web pages relating to the special event in response to the received selection (page 14, lines 13-15); and presenting results based on the invoked search (page 12, lines 15-18; page 14, lines 14-15).

Claim 40 recites that invoking a search includes invoking a search of the Internet (page 14, lines 13-14).

Claim 41 recites that invoking a search includes invoking a search for web pages relating

to the special event (Figure 8; page 12, lines 9-18).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Claims 18, 19, 21-29, and 31-41 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wolff and Yahoo.
- B. Claims 20 and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wolff, Yahoo, and what was allegedly "well known at the time of applicant's invention."

VII. ARGUMENT

- A. **The Rejection Under 35 U.S.C. § 103(a) Based on Wolff (U.S. Patent No. 6,247,047) in View of Yahoo (www.archive.org/web/19961223150621/http://www8.Yahoo.com, dated December 23, 1996) Should be Reversed.**

The initial burden of establishing a prima facie basis to deny patentability to a claimed invention is always upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S.Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). KSR International Co. v. Teleflex Inc., 550 U.S. _____ (April 30, 2007). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed.

Cir. 1988).

1. Claims 18, 19, 21, 23-25, and 34.

Independent claim 18 is directed to a method for enticing users to access a web page.

The method comprises modifying a standard company logo for a special event to create a special event logo; associating one or more search terms with the special event logo, the one or more search terms relating to the special event; uploading the special event logo to the web page; receiving a user selection of the special event logo; and invoking a search relating to the special event based on the one or more search terms in response to the user selection.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 18. For example, Wolff and Yahoo do not disclose or suggest associating one or more search terms with a special event logo that was created by modifying a standard company logo for a special event, where the one or more search terms relate to the special event.

The Examiner alleged that Wolff discloses this feature and cited column 8, line 56 - column 9, line 15, of Wolff for support. Office Action, paragraph 12. Appellant submits that this section of Wolff provides absolutely no support for the Examiner's allegation.

At column 8, line 56 - column 9, line 15, Wolff discloses:

At step 202, a user uninterested in the advertised product or service may continue browsing without selecting banner 102. However, if the user wants to make a transaction or wants more information about the advertised product or service, the user selects banner 102 using an input device such as mouse 22 by clicking in geographic area 104. In response, at step 204, user node 14 makes an TCP/IP request using the URL ("www.bannerbuy.com") embedded within banner 102 to contact host server 12 over Internet 16.

At step 206, host server 12 generates a unique transaction identification number ("transaction ID"), and creates a new record in the transaction record database which can be indexed by the transaction ID. This record will be used to store any input data entered

by the user for this transaction. At step 208, host server 12 receives the unique indicia (e.g., "12345") embedded within banner 102 and uses the indicia to search the on-line product/service database for a record containing information specific to the advertised product or service. This record was previously defined by the merchant, at which time its unique identification indicia was assigned. After finding and retrieving the record, at step 210, host server 12 dynamically generates a presentation/input form page 108 based at least in part on data stored within the retrieved record, and sends page 108 over Internet 16 for display on display 18 of user node 14 at step 212. Page 108 is displayed by opening a new browser or new window on user node 14.

In this section, Wolff discloses that if a user wants more information about an advertised product or service, the user selects banner 102, which causes host server 12 to perform a search based on unique indicia embedded within the banner to identify a record containing information specific to the advertised product or service. In other words, Wolff discloses a banner relating to an advertised product or service and in response to a user selecting the banner, presenting the user with information relating to the advertised product or service. Nowhere does Wolff disclose or suggest a special event logo (created by modifying a standard company logo for a special event) and, therefore, cannot disclose or suggest associating one or more search terms with the special event logo, where the one or more search terms relate to the special event, as required by claim 18.

The Examiner admitted that Wolff does not disclose a special event logo that is created by modifying a standard company logo for a special event. Office Action, paragraph 12. The Examiner relied upon Yahoo for allegedly disclosing a special event logo that is created by modifying a standard company logo for a special event. Office Action, paragraph 12. While Yahoo appears to show the Yahoo logo with a reindeer for the Christmas season, Yahoo does not disclose or remotely suggest, however, associating one or more search terms with the special event logo, let alone one or more search terms that relate to the special event, as required by

claim 18. In fact, there is absolutely nothing in the Yahoo document that remotely suggests that any search terms are associated with the Yahoo logo.

The Examiner alleged that Wolff discloses the use of a graphical icon, as an advertisement banner, that can be quickly set up for seasonal and one-time use and cited column 2, lines 27-28, of Wolff for support. Office Action, paragraph 12. Appellant submits that the Examiner has totally misconstrued the disclosure of Wolff.

At column 2, lines 27-28, Wolff discloses "Also, the banner can be quickly set up for seasonal or one-time use." In this section, Wolff is describing a feature of a prior art technique for providing a static graphical banner that includes a static image relating to the product or service being advertised. Column 2, lines 14-35. Wolff specifically discloses that static banners "involve only one-way communication, and do not take advantage of the Internet's interactive capabilities." Column 2, lines 30-35. Thus, Wolff **teaches away** from associating one or more search terms with these static banners, and clearly does not disclose or suggest associating one or more search terms that relate to a special event, as would be required by claim 18. Therefore, at best, this section of Wolff merely discloses putting a seasonal or one-time use static banner on a web site.

Further, the Examiner provided no motivation for modifying Wolff's advertisement banner with the prior art seasonal or one-time use static banner. Thus, the Examiner has not established a prima facie case of obviousness with regard to claim 18. In fact, Appellant submits that it would not have obvious to one of ordinary skill in the art at the time of Appellant's invention to replace Wolff's advertisement banner with the prior art seasonal or one-time use static banner because it would be directly contrary to the whole purpose of the system of Wolff--

to provide information regarding an advertised product or service in response to selection of a banner advertisement relating to the product or service.

The Examiner appears to allege that combining an advertisement banner, as allegedly disclosed by Wolff, with the Yahoo logo (modified for the Christmas season), as allegedly disclosed by Yahoo, and putting a static banner on a web site for seasonal or one-time use, as allegedly disclosed by Wolff, would somehow correspond to associating one or more search terms with a special event logo that was created by modifying a standard company logo for a special event, where the one or more search terms relate to the special event, as required by claim 18. Appellant submits that even if these disparate pieces could be combined (a point that Appellant does not concede for the reasons given herein), the combination would not remotely correspond to associating one or more search terms with a special event logo, where the one or more search terms relate to the special event, as required by claim 18. Instead, at best, the combination might motivate one of ordinary skill in the art to associate a search term relating to the company Yahoo with the Yahoo logo.

The Examiner alleged that:

It would have been obvious to one of ordinary skill in the art to enable the teachings of Wolff wherein the ability to display clickable images to a user on a web page in combination with the functionalities of Yahoo! wherein it is taught that one of ordinary skill can alter an image and upload it for display to a user on a web page.

Office Action, paragraph 12. Appellant submits that the Examiner's allegation is merely an unfounded conclusion. The Examiner has provided absolutely no motivation for combining these alleged features of Wolff and Yahoo.

The Examiner further alleged that:

Further, it would have been obvious to associate the "search term" to relate to the

graphical icon image as taught by Wolff because the keyword associated with the icon image is supposed to directly identify the product or service being represented by use of the icon image and when a user interacts (clicks) on the icon image (see Wolff, col. 8, ll. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way.

Office Action, paragraph 12. Appellant submits that the Examiner's allegations are unfounded and based solely on impermissible hindsight. In light of the Examiner's reasoning, one of ordinary skill in the art might, at best, be motivated to associate a search term relating to the company Yahoo with the Yahoo logo. The Yahoo logo, shown in the Yahoo document, is still the Yahoo logo even though it includes a reindeer image with the reindeer's head sticking through the "O." One of ordinary skill would not have been motivated, contrary to the Examiner's hindsight reasoning, to associate a search term relating to a special event with the Yahoo logo shown in the Yahoo document. The Examiner has provided absolutely no evidence to the contrary.

The Examiner further alleged:

One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Yahoo! with what is taught by Wolff as outlined above. One of ordinary skill in the art would have been motivated to make such a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, particularly teaching the use of displaying images to user that are deemed clickable by Wolff and Yahoo! for teaching the use of altered images which may commemorate a special event and the use of different images to be displayed to a user is deemed an obvious variation in the art. In view of Wolff, the use of different images is clearly taught as a motivation in the prior art wherein one of ordinary skill in the art may find it useful to use different image types for seasonal use (col. 2, ll. 27-28).

Office Action, paragraph 12. Appellant submits that the Examiner's motivation statements fall short of establishing a *prima facie* case of obviousness with regard to claim 18. For example, the

Examiner has provided absolutely no explanation of why one of ordinary skill in the art at the time of Appellant's invention would have been motivated to associate one or more search terms relating to a special event with the Yahoo logo. Instead, as explained above, the Examiner has only provided an allegation as to why one of ordinary skill might have been motivated to associate a search term that is "directly related to whatever the icon represents" (Office Action, paragraph 12) -- in other words, the Yahoo company.

The Examiner further alleged:

Taking broadest reasonable interpretation of what is claimed, it is best understood in the broadest sense that the "standard company logo" and the "special event logo" in the field of the invention are images that are displayed on a web page that are viewable by a user using a web browser program.

Office Action, paragraph 4. Appellant strenuously objects to the Examiner's attempt to unreasonably broaden the definition of "company logo." It is apparent that the Examiner understands the definition of company logo since the Examiner properly pointed to the Yahoo company logo in the Yahoo document. Appellant uses the term "company logo" consistent with its well understood definition of a name, symbol, or trademark designed for easy recognition.

The American Heritage College Dictionary, Third Edition, 1997, page 797. Thus, the Examiner's attempt to broaden the definition of "company logo" to any image displayed on a web page is unreasonable.

The Examiner also alleged:

Wolff is not relied upon for teaching in the art the image being a company logo that is altered to become a special event logo. The image being a company logo is deemed an obvious variation in the art.

Office Action, paragraph 4. Appellant submits that the Examiner's allegation that substituting a company logo for the banner advertisement in Wolff would be an "obvious variation in the art"

is simply a conclusory statement that is unsupported by the disclosures of Wolff and Yahoo. The Examiner has provided absolutely no evidence to show that substituting a company logo for a banner advertisement would have been obvious to one of ordinary skill in the art at the time of Appellant's invention and, like the rest of the Examiner's allegations, falls short of establishing a *prima facie* case of obviousness. In fact, Appellant submits that substituting a company logo for a banner advertisement in Wolff would be directly contrary to the whole purpose of the system of Wolff -- to provide information regarding an advertised product or service in response to selection of a banner advertisement relating to the product or service.

The Examiner further alleged:

It would have been obvious to one of ordinary skill in the art in view of the combination that the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be totally unrelated to what the image represents and therefore the obvious variant of imaging use wherein the image could be a special event company logo as taught by Yahoo! the search term associated with the special event company logo would be related to the topic of what the special event company logo image is portraying to a user through graphical means.

Office Action, paragraph 4. These allegations by the Examiner, at best, only attempt to explain why one of ordinary skill might have been motivated to associate the search term of "Yahoo" with the Yahoo logo because, as the Examiner states "the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be totally unrelated to what the image represents."

Office Action, paragraph 4. The Yahoo logo in the Yahoo document clearly relates to the Yahoo company. Thus, contrary to the Examiner's allegations, the combination of Wolff and Yahoo would not disclose or suggest associating one or more search terms with a special event logo that was created by modifying a standard company logo for a special event, where the one or more

search terms relate to the special event, as required by claim 18.

Because Wolff and Yahoo do not disclose or suggest associating one or more search terms with the special event logo, the one or more search terms relating to the special event, Wolff and Yahoo cannot disclose or suggest invoking a search relating to the special event based on the one or more search terms in response to a user selection, as further recited in claim 18.

For at least these reasons, it is respectfully submitted that claims 18, 19, 21, 23-25, and 34 are patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claims 18, 19, 21, 23-25, and 34 is respectfully requested.

2. Claim 40.

Dependent claim 40 recites invoking a search of the Internet.

Initially, claim 40 depends from claim 18. Claim 40 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 18.

Further, Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 40.

The Examiner alleged that Wolff discloses invoking a search of the Internet and cited column 9, lines 3-7, of Wolff for support. Office Action, paragraph 33. Appellant submits that this section of Wolff provides absolutely no support for the Examiner's allegation.

At column 9, lines 3-15, Wolff discloses:

At step 208, host server 12 receives the unique indicia (e.g., "12345") embedded within banner 102 and uses the indicia to search the on-line product/service database for a record containing information specific to the advertised product or service. This record was previously defined by the merchant, at which time its unique identification indicia was

assigned. After finding and retrieving the record, at step 210, host server 12 dynamically generates a presentation/input form page 108 based at least in part on data stored within the retrieved record, and sends page 108 over Internet 16 for display on display 18 of user node 14 at step 212. Page 108 is displayed by opening a new browser or new window on user node 14.

In this section, Wolff discloses searching an on-line product/service database, which is accessible via the Internet. See, e.g., Figure 1. The Examiner appears to be alleging that invoking a search of a product/service database connected via the Internet is equivalent to invoking a search of the Internet. These two searches are very different. The product/service database search would retrieve only records from the set of records in the product/service database. Just because Wolff discloses that the product/service database is available via the Internet, does not mean that searching the database is equivalent to searching the Internet. Accordingly, Appellant submits that the Examiner's allegation lacks merit.

For at least these reasons, it is respectfully submitted that claim 40 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 40 is respectfully requested.

3. Claim 26.

Independent claim 26 is directed to a computer-readable medium that stores instructions executable by one or more processors to perform a method for attracting users to a web page. The computer-readable medium comprises instructions for creating a special event logo by modifying a standard company logo for a special event; instructions for associating a link or search results with the special event logo, the link identifying a document relating to the special event, the search results relating to the special event; instructions for uploading the special event logo to the web page; instructions for receiving a user selection of the special event logo; and

instructions for providing the document relating to the special event or the search results relating to the special event based on the user selection.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 26. For example, Wolff and Yahoo do not disclose or suggest instructions for creating a special event logo by modifying a standard company logo for a special event.

The Examiner admitted that Wolff does not disclose this feature, but alleged that Yahoo discloses that a company logo can be modified to commemorate a special event. Office Action, paragraph 20. Regardless of the accuracy of the Examiner's allegation regarding the Yahoo document, Appellant submits that the Examiner has not provided any evidence that the Yahoo logo was modified by executing instructions for creating a special event logo by modifying a standard company logo for a special event, as required by claim 26. Instead, the Examiner merely showed an end product (i.e., the modified Yahoo logo), which might have been manually modified by a web site operator. Thus, the Examiner has not established a prima facie case of obviousness with regard to claim 26.

Also, Wolff and Yahoo do not disclose or suggest instructions for associating a link or search results with a special event logo created by modifying a standard company logo for a special event, the link identifying a document relating to the special event, and the search results relating to the special event, as further recited in claim 26, for at least reasons similar to reasons given with regard to claim 18.

Also, Wolff and Yahoo do not disclose or suggest instructions for uploading the special event logo to the web page, as further recited in claim 26. The Examiner alleged that Yahoo

discloses a company logo that can be modified to commemorate a special event and uploaded for display to a user on a web page. Office Action, paragraph 20. Regardless of the accuracy of the Examiner's allegation regarding the Yahoo document, Appellant submits that the Examiner has not provided any evidence that the modified Yahoo logo was uploaded on the Yahoo web page by executing instructions for uploading a special event logo to a web page, as required by claim 26. Instead, the Examiner merely showed an end product (i.e., the modified Yahoo logo on the Yahoo web page), which might have been manually uploaded by a web site operator. Thus, the Examiner has not established a prima facie case of obviousness with regard to claim 26.

For at least these reasons, it is respectfully submitted that claim 26 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 26 is respectfully requested.

4. Claim 29.

Dependent claim 29 recites instructions for modifying the standard company logo with one or more animated images.

Initially, claim 29 depends from claim 26. Claim 29 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 26.

Further, Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 29.

The Examiner alleged that Yahoo discloses modifying a standard company logo with one or more animated images. Office Action, paragraph 23. Regardless of the accuracy of the Examiner's allegation regarding the Yahoo document, Appellant submits that the Examiner has

not provided any evidence that the Yahoo logo was modified by executing instructions for modifying the standard company logo with one or more animated images, as required by claim 29. Instead, the Examiner merely showed an end product (i.e., the modified Yahoo logo), which might have been manually modified by a web site operator. Thus, the Examiner has not established a *prima facie* case of obviousness with regard to claim 29.

For at least these reasons, it is respectfully submitted that claim 29 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 29 is respectfully requested.

5. Claim 31.

Dependent claim 31 recites instructions for modifying the standard company logo with information associated with a holiday.

Initially, claim 31 depends from claim 26. Claim 31 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 26.

Further, Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 31.

The Examiner alleged that Yahoo discloses modifying a standard company logo with information associated with a holiday. Office Action, paragraph 24. Regardless of the accuracy of the Examiner's allegation regarding the Yahoo document, Appellant submits that the Examiner has not provided any evidence that the Yahoo logo was modified by executing instructions for modifying a standard company logo with information associated with a holiday, as required by claim 31. Instead, the Examiner merely showed an end product (i.e., the modified

Yahoo logo), which might have been manually modified by a web site operator. Thus, the Examiner has not established a prima facie case of obviousness with regard to claim 31.

For at least these reasons, it is respectfully submitted that claim 31 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 31 is respectfully requested.

6. Claim 35.

Dependent claim 35 recites instructions for replacing the standard company logo with the special event logo on the web page.

Initially, claim 35 depends from claim 26. Claim 35 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 26.

Further, Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 35.

The Examiner alleged that Yahoo discloses replacing a standard company logo with a special event logo. Office Action, paragraph 28. Regardless of the accuracy of the Examiner's allegation regarding the Yahoo document, Appellant submits that the Examiner has not provided any evidence that the Yahoo logo was replaced by executing instructions for replacing a standard company logo with a special event logo on a web page, as required by claim 35. Instead, the Examiner merely showed an end product (i.e., the modified Yahoo logo), which might have been manually replaced by a web site operator. Thus, the Examiner has not established a prima facie case of obviousness with regard to claim 35.

For at least these reasons, it is respectfully submitted that claim 35 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 35 is respectfully requested.

7. Claim 27.

Independent claim 27 is directed to a server connected to a network. The server comprises a memory configured to store instructions; and a processor configured to execute the instructions to determine a home page for a web page on the network, identify a standard company logo on the home page, modify the standard company logo with special event information corresponding to a special event to create a special event logo, and replace the standard company logo with the special event logo during the special event.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 27. For example, Wolff and Yahoo do not disclose or suggest a processor configured to determine a home page for a web page on a network.

The Examiner alleged:

Yahoo! clearly teaches the uploading of an image to a web page in this case the uploading has been done to the home page as indicated (www.Yahoo.com) and the altered image is actually being displayed where the standard company logo is customarily presented. By way of actually uploading the image to the home page by Yahoo! then it is taught by Yahoo! the functionality of home page determination.

Office Action, paragraph 21. Appellant submits that the Examiner's allegations are merely conclusory and fall short of establishing prima facie case of obviousness with regard to claim 27 by failing to show a processor configured to determine a home page for a web page on a network, as required by claim 27. Instead, the Examiner has merely pointed to what the

Examiner alleged is the home page for Yahoo.com and appears to reason that this necessarily means that a processor determined the home page. Appellant submits that the Examiner has provided absolutely no evidence to support the Examiner's conclusion. In fact, it is much more likely that an operator of the Yahoo web site uploaded the Yahoo logo on the Yahoo web page. Therefore, there would be no need in Yahoo for a processor to be configured to determine a home page for a web page on a network, as required by claim 27.

The Examiner further alleged:

Wolff teaches the use of computer processors for example in figure 1, item 14 and Yahoo! teaches the inherent use of a computer processor by way of having an image uploaded to a web site wherein the uploading of an image would not be possible in any way without the use of a computer processor.

Office Action, paragraph 7. Thus, the Examiner alleged that Wolff discloses a processor and Yahoo inherently uses a processor to upload an image to a web site. Regardless of the accuracy of the Examiner's allegations concerning Wolff and Yahoo, the Examiner still has not provided any evidence that either the Wolff processor or the inherent Yahoo processor is configured to determine a home page for a web page on a network, as required by claim 27. Thus, the Examiner still has not established a prima facie case of obviousness with regard to claim 27.

Also, Wolff and Yahoo do not disclose or suggest a processor configured to identify a standard company logo on the home page.

The Examiner alleged:

Yahoo! clearly teaches the uploading of an image to a web page in this case the uploading has been done to the home page as indicated (www.Yahoo.com) and the altered image is actually being displayed where the standard company logo is customarily presented. By way of actually uploading the image to the home page by Yahoo! then it is taught by Yahoo! the functionality of home page determination.

Office Action, paragraph 21. Appellant submits that the Examiner's allegations are merely

conclusory and fall short of establishing prima facie case of obviousness with regard to claim 27 by failing to show a processor configured to identify a standard company logo on the home page, as required by claim 27. Instead, the Examiner has merely pointed to what the Examiner alleged is the home page for Yahoo.com and appears to reason that this necessarily means that a processor identified a standard company logo on the home page. Appellant submits that the Examiner has provided absolutely no evidence to support the Examiner's conclusion. In fact, it is much more likely that an operator of the Yahoo web site uploaded the modified Yahoo logo on the Yahoo web page. Therefore, there would be no need in Yahoo for a processor to be configured to identify a standard company logo on a home page, as required by claim 27.

The Examiner further alleged:

Wolff teaches the use of computer processors for example in figure 1, item 14 and Yahoo! teaches the inherent use of a computer processor by way of having an image uploaded to a web site wherein the uploading of an image would not be possible in any way without the use of a computer processor.

Office Action, paragraph 7. Thus, the Examiner alleged that Wolff discloses a processor and Yahoo inherently uses a processor to upload an image to a web site. Regardless of the accuracy of the Examiner's allegations concerning Wolff and Yahoo, the Examiner still has not provided any evidence that either the Wolff processor or the inherent Yahoo processor is configured to identify a standard company logo on the home page, as required by claim 27. Thus, the Examiner still has not established a prima facie case of obviousness with regard to claim 27.

Because Wolff and Yahoo do not disclose or suggest a processor configured to determine a home page for a web page on the network or identify a standard company logo on the home page, Wolff and Yahoo cannot disclose or suggest a processor that is also configured to modify the standard company logo with special event information corresponding to a special event to

create a special event logo, and replace the standard company logo with the special event logo during the special event, as further recited in claim 27.

For at least these reasons, it is respectfully submitted that claim 27 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 27 is respectfully requested.

8. Claims 32 and 33.

Dependent claim 32 recites a processor configured to associate one or more search terms relating to the special event with the special event logo.

Initially, claim 32 depends from claim 27. Claim 32 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 27.

Further, Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 32.

The Examiner alleged that the combination of Wolff and Yahoo discloses a processor configured to associate one or more search terms relating to a special event with a special event logo. Office Action, paragraph 25. Appellant disagrees for at least reasons similar to reasons given with regard to claim 18.

For at least these reasons, it is respectfully submitted that claims 32 and 33 are patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claims 32 and 33 is respectfully requested.

9. Claims 28 and 36.

Independent claim 28 is directed to a method comprising identifying a standard company

logo associated with a web site; modifying the standard company logo with at least one of image, video, or audio data relating to a special event to create a special event logo; associating one or more search terms relating to the special event with the special event logo; detecting a selection associated with the special event logo; and invoking a search relating to the special event based on the one or more search terms in response to the detected selection.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 28. For example, Wolff and Yahoo do not disclose or suggest associating one or more search terms relating to a special event with a special event logo created by modifying a standard company logo with at least one of image, video, or audio data relating to the special event for at least reasons similar to reasons given with regard to claim 18.

For at least these reasons, it is respectfully submitted that claims 28 and 36 are patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claims 28 and 36 is respectfully requested.

10. Claim 41.

Dependent claim 41 recites invoking a search for web pages relating to the special event.

Initially, claim 41 depends from claim 28. Claim 41 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 28.

Further, Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 41.

The Examiner alleged that Wolff discloses invoking a search fore web pages relating to a

special event and cited column 9, lines 3-7, of Wolff for support. Office Action, paragraph 34.

Appellant submits that this section of Wolff provides absolutely no support for the Examiner's allegation.

Column 9, lines 3-7, of Wolff is reproduced above. In this section, Wolff discloses searching an on-line product/service database, which is accessible via the Internet. See, e.g., Figure 1. The Examiner appears to be alleging that invoking a search of a database connected via the Internet is equivalent to invoking a search for web pages relating to a special event. These two searches are very different. The product/service database search would retrieve only product/service records from the set of records in the product/service database. Just because Wolff discloses that the product/service database is available via the Internet, does not mean that searching the database is equivalent to searching for web pages relating to a special event. Accordingly, Appellant submits that the Examiner's allegation lacks merit.

For at least these reasons, it is respectfully submitted that claim 41 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 41 is respectfully requested.

11. Claims 37-39.

Independent claim 37 is directed to a method comprising presenting a special event logo on a web page, the special event logo being associated with a standard company logo that has been modified or replaced for a special event; receiving selection of the special event logo; invoking a search for web pages relating to the special event in response to the received selection; and presenting results based on the invoked search.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination,

discloses or suggests the combination of features recited in claim 37. For example, Wolff and Yahoo do not disclose or suggest invoking a search for web pages relating to the special event in response to a received selection of a special event logo for at least reasons similar to reasons given with regard to claims 18 and 41.

For at least these reasons, it is respectfully submitted that claims 37-39 are patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claims 37-39 is respectfully requested.

12. Claim 22.

Dependent claim 22 recites associating one or more search terms relating to the special event, and performing the search based on the one or more search terms.

Initially, claim 22 depends from claim 37. Claim 22 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 37.

Further, Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 22 for at least reasons similar to reasons given with regard to claim 18.

For at least these reasons, it is respectfully submitted that claim 22 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 22 is respectfully requested.

B. The Rejection Under 35 U.S.C. § 103(a) Based on Wolff (U.S. Patent No. 6,247,047) in View of Yahoo (www.archive.org/web/19961223150621/http://www8.Yahoo.com, dated

December 23, 1996) and What was Allegedly "Well Known at the Time of the Applicant's Invention" Should be Reversed.

1. Claim 20.

Dependent claim 20 recites creating the special event logo by modifying the standard company logo with at least one of video or audio data.

Initially, claim 20 depends from claim 18. Claim 20 is, therefore, patentable over Wolff, Yahoo, and what was allegedly "well known at the time of the applicant's invention," whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 18.

Further, Wolff, Yahoo, and what was allegedly "well known at the time of the applicant's invention," whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 20.

The Examiner took official notice that "the use of video or audio data to be displayed to a user on a web page was old and well known in the art." Office Action, paragraph 36. The Examiner's official notice fails to establish a prima facie case of obviousness with regard to claim 20 because the official notice does not establish that it was "old and well known in the art" to modify a standard company logo with at least one of video or audio data, as required by claim 20.

For at least these reasons, it is respectfully submitted that claim 20 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 20 is respectfully requested.

2. Claim 30.

Dependent claim 30 recites instructions for modifying the standard company logo with at

least one of video or audio data.

Initially, claim 30 depends from claim 26. Claim 30 is, therefore, patentable over Wolff, Yahoo, and what was allegedly "well known at the time of the applicant's invention," whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 26.

Further, Wolff, Yahoo, and what was allegedly "well known at the time of the applicant's invention," whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 30.

The Examiner took official notice that "the use of video or audio data to be displayed to a user on a web page was old and well known in the art." Office Action, paragraph 37. The Examiner's official notice fails to establish a *prima facie* case of obviousness with regard to claim 30 because the official notice does not establish that it was "old and well known in the art" to modify a standard company logo with at least one of video or audio data, as required by claim 30.

For at least these reasons, it is respectfully submitted that claim 30 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, under 35 U.S.C. § 103. Reversal of the rejection of claim 30 is respectfully requested.

VIII. CONCLUSION

In view of the foregoing arguments, Appellant respectfully solicits the Honorable Board to reverse the Examiner's rejections of claims 18-41 under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is

APPEAL BRIEF

PATENT

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hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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IX. CLAIM APPENDIX

18. A method for enticing users to access a web page, comprising:

modifying a standard company logo for a special event to create a special event logo;

associating one or more search terms with the special event logo, the one or more search terms relating to the special event;

uploading the special event logo to the web page;

receiving a user selection of the special event logo; and

invoking a search relating to the special event based on the one or more search terms in response to the user selection.

19. The method of claim 18, wherein the modifying a standard company logo includes:

creating the special event logo by modifying the standard company logo with one or more animated images.

20. The method of claim 18, wherein the modifying a standard company logo includes:

creating the special event logo by modifying the standard company logo with at least one of video or audio data.

21. The method of claim 18, wherein the special event includes a holiday.

22. The method of claim 37, further comprising:
- associating one or more search terms relating to the special event; and
- wherein invoking a search includes:
- performing the search based on the one or more search terms.
23. The method of claim 18, wherein the uploading the special event logo includes:
- displaying the special event logo on the web page during the special event.
24. The method of claim 18, wherein the invoking a search includes:
- generating a search query using the one or more search terms,
- using the search query to search at least one of a network, an index, or a directory, and
- obtaining search results based on the search.
25. The method of claim 18, wherein the modifying a standard company logo includes:
- determining a home page for the web page on a network,
- identifying the standard company logo on the home page, and
- modifying the standard company logo with special event information to create the special event logo.
26. A computer-readable medium that stores instructions executable by one or more processors to perform a method for attracting users to a web page, comprising:

instructions for creating a special event logo by modifying a standard company logo for a special event;

instructions for associating a link or search results with the special event logo, the link identifying a document relating to the special event, the search results relating to the special event;

instructions for uploading the special event logo to the web page;

instructions for receiving a user selection of the special event logo; and

instructions for providing the document relating to the special event or the search results relating to the special event based on the user selection.

27. A server connected to a network, comprising:

a memory configured to store instructions; and

a processor configured to execute the instructions to:

determine a home page for a web page on the network,

identify a standard company logo on the home page,

modify the standard company logo with special event information corresponding to a special event to create a special event logo, and

replace the standard company logo with the special event logo during the special event.

28. A method, comprising:

identifying a standard company logo associated with a web site;

modifying the standard company logo with at least one of image, video, or audio data relating to a special event to create a special event logo;
associating one or more search terms relating to the special event with the special event logo;
detecting a selection associated with the special event logo; and
invoking a search relating to the special event based on the one or more search terms in response to the detected selection.

29. The computer-readable medium of claim 26, wherein the instructions for creating a special event logo include:

instructions for modifying the standard company logo with one or more animated images.

30. The computer-readable medium of claim 26, wherein the instructions for creating a special event logo include:

instructions for modifying the standard company logo with at least one of video or audio data.

31. The computer-readable medium of claim 26, wherein the instructions for creating a special event logo include:

instructions for modifying the standard company logo with information associated with a holiday.

32. The server of claim 27, wherein the processor is further configured to:
associate one or more search terms relating to the special event with the special event
logo.

33. The server of claim 32, wherein the processor is further configured to:
detect a selection associated with the special event logo,
generate a search query based on the one or more search terms,
perform a search based on the search query, and
provide a result of the search.

34. The method of claim 18, wherein uploading the special event logo includes:
replacing the standard company logo with the special event logo on the web page.

35. The computer-readable medium of claim 26, wherein the instructions for
uploading the special event logo include:
instructions for replacing the standard company logo with the special event logo on the
web page.

36. The method of claim 28, further comprising:
replacing the standard company logo with the special event logo.

37. A method, comprising:

presenting a special event logo on a web page, the special event logo being associated with a standard company logo that has been modified or replaced for a special event; receiving selection of the special event logo; invoking a search for web pages relating to the special event in response to the received selection; and presenting results based on the invoked search.

38. The method of claim 37, wherein one or more search terms are associated with the special event logo; and

wherein the invoking a search relating to the special event includes:
causing a search to be performed based on the one or more search terms.

39. The method of claim 37, wherein the presenting a special event logo includes:
displaying the special event logo on the web page during the special event.

40. The method of claim 18, wherein invoking a search includes:
invoking a search of the Internet.

41. The method of claim 28, wherein invoking a search includes:
invoking a search for web pages relating to the special event.

X. EVIDENCE APPENDIX

None

XI. RELATED PROCEEDINGS APPENDIX

None